

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Tony GIORDANO *et al.*

Confirmation No.: 4861

Application No.: 10/762,395

Group Art Unit: 1639

Filed: January 22, 2004

Examiner: J. Lundgren

For: **Use of Post-Transcriptional Gene Silencing for Identifying Nucleic Acid Sequences that Modulate the Function of a Cell**

Commissioner for Patents  
U.S. Patent and Trademark Office  
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**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(c)**

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56,

Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97 and 1.98.

[x] Pursuant to 37 C.F.R. §1.98, copies of documents 1-487 cited in the attached Form PTO-1449 are enclosed.

[ x] Applicants would also like to bring to the Examiner's attention *Benitec v. Nucleonics* Civil Action No. 04-CV-0174 (JJF) in the U.S. District Court for the District of Delaware. Documents 1-60, 62-70, 72-387 and 389-487 cited herein were first brought to the Applicants' attention in a search of literature related to this action.

**Should the Examiner wish to review any documents in Applicants' possession related to this action, the Examiner is invited to contact the undersigned and any documents requested will be forwarded.**

[x] Documents 52, 83, 123, 127, 133, 141, 144, 148, 236, 242, 270, 319 and 436 listed on the attached Form PTO-1449 were cited in an Opposition of EP 1230375 B1.

- [x] Documents 61, 71 and 388 listed on the attached Form PTO-1449 were cited in a foreign search or examination report corresponding to Korean application serial no. 10-2001-7013385 and mailed on August 8, 2006. This application has inventors in common with the instant application.
- [x] An English translation of non-English document 482 is attached to the document. US patent 5,788,265, cited as document 51 in Applicants' Information Disclosure Statement filed November 17, 2006, was submitted as an English language equivalent of non-English document 34, EP 0 560 156 A2. An English abstract of non-English publications WO 92/19732 A1, WO 95/18223 A1, WO 98/05770 A2 and WO 00/44895 A1, documents 49, 58, 73 and 88 respectively, may be found on the cover page of the publication. An English abstract of non-English publications JP 09-110894 A and JP 09-227413 A, documents 42 and 43 respectively, may be found attached to the publication.

This Information Disclosure Statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing of:

- [x] a final action under 37 C.F.R. §1.113;
- [ ] a notice of allowance under 37 C.F.R. §1.311; or
- [ ] an action that otherwise closes prosecution in this application.

In accordance with 37 C.F.R. §1.97(c) also enclosed is:

- [x] Fee under 37 C.F.R. §1.17(p) in the amount of \$180.00; or
- [ ] Statement as specified in 37 C.F.R. §1.97(e):
- [ ] Each item of information contained in the Information Disclosure Statement cited herein was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
- [ ] No item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, having made a reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Forms PTO-1449 to the undersigned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1283.

Dated: May 13, 2009

**USPTO Customer No. 58249**  
COOLEY GODWARD KRONISH LLP  
ATTN: Patent Group  
The Bowen Building  
875 15th Street, NW Suite 800  
Washington, DC 20005-2221  
Phone: (202) 842-7800  
Fax: (202) 842-7899

Respectfully submitted,  
COOLEY GODWARD KRONISH LLP

ANGELA PURCELL REG. NO. 60,642

By:

Angela Purcell  
for Bonnie Weiss McLeod  
Reg. No. 43,255